

**THE WHITE HOUSE OFFICE  
REFERRAL**

April 30, 2010

**TO:** ENVIRONMENTAL PROTECTION AGENCY

**ACTION COMMENTS:**

**ACTION REQUESTED:** APPROPRIATE ACTION

**REFERRAL COMMENTS:**

**DESCRIPTION OF INCOMING:**

**ID:** 1029405

**MEDIA:** LETTER

**DOCUMENT DATE:** March 30, 2010

**TO:** PRESIDENT OBAMA

**FROM:** THE HONORABLE BOBBY BRIGHT  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

**SUBJECT:** CONCERNS REGARDING THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S  
INTENT TO ISSUE NEW RULES FOR THE MANAGEMENT OF COAL ASH OR  
COAL COMBUSTION BYPRODUCTS (CCB)

**COMMENTS:**

---

---

---

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT,  
UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.

RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT,  
ROOM 85, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500  
FAX A COPY OF REPOSENSE TO: (202) 456-5881

**THE WHITE HOUSE  
DOCUMENT MANAGEMENT AND  
TRACKING WORKSHEET**



**DATE RECEIVED:** April 02, 2010

**CASE ID:** 1029405

**NAME OF CORRESPONDENT:** THE HONORABLE BOBBY BRIGHT

**SUBJECT:** CONCERNS REGARDING THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S INTENT TO  
ISSUE NEW RULES FOR THE MANAGEMENT OF COAL ASH OR COAL COMBUSTION  
BYPRODUCTS (CCB)

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION	
		CODE	DATE	TYPE RESPONSE	CODE DATE COMPLETED
LEGISLATIVE AFFAIRS	PHIL SCHILIRO	ORG	04/08/2010		

**ACTION COMMENTS:**

✓ *EPA*

*A 4/30/10*

**ACTION COMMENTS:**

**ACTION COMMENTS:**

**ACTION COMMENTS:**

**ACTION COMMENTS:**

**COMMENTS:**

**MEDIA TYPE:** LETTER

**USER CODE:**

ACTION CODES		DISPOSITION	
<b>A</b> = APPROPRIATE ACTION <b>B</b> = RESEARCH AND REPORT BACK <b>D</b> = DRAFT RESPONSE <b>I</b> = INFO COPY/NO ACT NECESSARY <b>R</b> = DIRECT REPLY W/ COPY <b>ORG</b> = ORIGINATING OFFICE	<b>TYPE RESPONSE</b>	<b>DISPOSITION CODES</b>	<b>COMPLETED DATE</b>
	INITIALS OF SIGNER (W.H. STAFF) <b>NRN</b> = NO RESPONSE NEEDED <b>OTBE</b> = OVERTAKEN BY EVENTS	<b>A</b> = ANSWERED OR ACKNOWLEDGED <b>C</b> = CLOSED <b>X</b> = INTERIM REPLY	DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES  
 REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202)-456-2590  
 SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT  
 ROOM 85, EEOB.

**Scanned By  
ORM**



# Congress of the United States

House of Representatives

Washington, DC 20515-0102

March 30, 2010

1029405

COMMITTEES:

ARMED SERVICES

AIR AND LAND FORCES

TERRORISM AND UNCONVENTIONAL  
THREATS AND CAPABILITIES

READINESS

AGRICULTURE

CONSERVATION, CREDIT, ENERGY, AND  
RESEARCH

RURAL DEVELOPMENT, BIOTECHNOLOGY,  
SPECIALTY CROPS, AND FOREIGN  
AGRICULTURE

SMALL BUSINESS

REGULATIONS AND HEALTHCARE

RURAL DEVELOPMENT,  
ENTREPRENEURSHIP, AND TRADE

President Barack Obama  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President:

I am writing you regarding the United States Environmental Protection Agency's (EPA) expressed intent to issue new rules for the management of coal ash, or coal combustion byproducts (CCB). As you know, CCB is the bi-product of coal burned during the electricity generation process. It is typically stored in ponds, and recent events surrounding the coal ash spill in Kingston, Tennessee have prompted EPA to reconsider whether CCB should continue to be regarded as a non-hazardous waste.

My understanding is that EPA is considering regulating coal ash as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act. Though I believe that coal ash should be managed very carefully, I am afraid that such a designation could have a negative impact on jobs in Alabama, and could strongly affect the nation's energy policy. A hazardous regulation under Subtitle C would almost certainly cause the cost of electricity generated by coal-fired plants to rise, possibly threatening the ability of numerous power plants in the State of Alabama to remain in operation.

I share EPA's concerns over the handling and storage of CCB after the ash spill disaster at the Tennessee Valley Authority's Kingston facility, and I am convinced that the electricity providers which offer service in my district share these same concerns. But EPA should not punish our constituents who rely on their affordable services for the mistakes of those who have not been as diligent in their self-regulation. Because coal is essential to the country's energy supply, I believe it is crucial that EPA approach this subject with the aim of creating a reasonable regulatory framework that serves both the best interests of the public and of the industry which serves them.

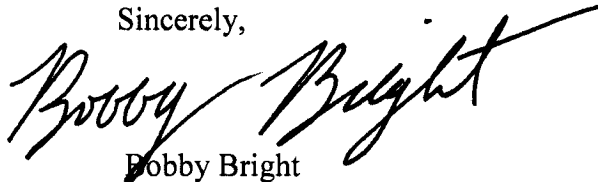
However, I also recognize that the lack of uniform regulation nationwide creates a patchwork of state-based requirements that are often inconsistent and insufficient. Though EPA expressed its intention to establish national guidelines governing coal ash disposal in 2000, a rule was never issued and formal action was never taken. EPA now

has an opportunity to set up responsible regulation of CCBs, and it is my hope that they will avoid over-reach in doing so.

For that reason, I hope EPA will abandon consideration of CCB regulation under Subtitle C of RCRA and instead consider regulating CCBs under Subtitle D. It is my understanding that such a regulation would ensure that CCBs are managed in a manner that is protective of groundwater and the environment, while continuing to allow for beneficial usage through sustainable recycling. EPA's ruling on CCBs dated May 22, 2000, states that "the subtitle D approach should be fully effective in protecting human health and the environment." I agree with this assertion and appreciate your consideration as EPA moves forward with the issuance of a new rule.

I appreciate your thoughtful attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Bobby Bright". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Bobby Bright  
Member of Congress